

James F. Halley, OSB 91175
JAMES F. HALLEY, P.C.
The Stowbridge Building
735 SW First Ave., 2nd Floor
Portland, OR 97204
503/295-0301; 503/228-6551 (fax)
jimhalley@halleylaw.com

Attorney for Defendant Wesley Kjar

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

No 3:16-cr-00051-18-BR

Plaintiff,

vs.

WESLEY KJAR,

Defendant

DECLARATION OF COUNSEL
SUPPORTING MOTION FOR
MODIFICATION OF RELEASE
CONDITIONS – REMOVAL OF
LOCATION MONITORING AND HOME
DETENTION

[18 U.S.C. §3142(c)(3)]

I, James F. Halley, do declare under penalty of perjury under the laws of the United States that the following is true and correct:

1. I am a member of the Oregon State Bar and I am counsel for defendant Wesley Kjar. I make this declaration in support of defendant Kjar's Motion For Modification Of Release Conditions – Removal Of Location Monitoring And Home Detention.
2. At a release hearing held on March 2, 2016, when Mr. Kjar was under charge in *United States v. Wesley Kjar*, 3:16-cr-00064-02-JO, the Honorable Stacie F. Beckerman ordered his release subject to conditions. Those conditions included a requirement that he submit to location monitoring by wearing an active GPS ankle bracelet monitor and abide by a home detention schedule. CR 64 in case no. 3:16-cr-00064-02-JO. The release order was modified on March 4, 2016 by the filing of

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FOR MODIFICATION OF RELEASE CONDITIONS – REMOVAL
OF LOCATION MONITORING AND HOME DETENTION

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James F. Halley, P.C.
Attorney At Law
The Stowbridge Bldg. • 735 S.W. First Ave., 2d. Floor
Portland, OR 97204-3326
Tel: (503) 295-0301 Fax: (503) 228-6551
jimhalley@halleylaw.com

defendant's signed acknowledgement. The modification did not change the location monitoring and home detention conditions. CR 67 in case no. 3:16-cr-00064-02-JO.

3. The charges against Mr. Kjar in case no. 3:16-cr-00064-02-JO have been dismissed (CR 87 in case no. 3:16-cr-00064-02-JO), and he has been re-indicted in this case, no. 3:16-cr-00051-18-BR. By way of an order issued on March 9, 2016, the court ordered that all orders issued in the 3:16-cr-00064-JO case are deemed part of the record in this case. CR 285.

4. Following his release from custody, Mr. Kjar returned to Utah and resumed working. Initially he worked for a mining company. He recently changed jobs and now works in the construction industry installing rain gutters.

5. I ask that the court modify his release conditions to remove the location monitoring condition (including the home detention component) for the following reasons. First, he has performed all of the conditions imposed on him without trouble. Second, the location monitoring condition interferes with his current work installing rain gutters. The work requires that he climb ladders, crouch on the eaves of buildings, and otherwise move around construction sites. The ankle bracelet interferes with his mobility – sometimes in a way that is inconvenient or painful, and other times in ways that present some risk of tripping or falling. In addition, the job sites are often located a distance from his home, and sometimes he has difficulty completing the jobs in time to get home in accordance with the home detention schedule. When that happens, he has to travel a second time to the job site the next day to complete a small portion of the job, losing productive hours in the process.

6. I have exchanged emails with AUSA Craig Gabriel about this motion and understand from him that the prosecution takes no position on it.

7. I have spoken with PTS Officer Mike McFarland and understand from him that the PTS Office does not oppose it.

Date: May 17, 2016

/s James F. Halley

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2016, I served the attached DECLARATION OF COUNSEL SUPPORTING MOTION FOR MODIFICATION OF RELEASE CONDITIONS – REMOVAL OF LOCATION MONITORING AND HOME DETENTION [18 U.S.C. §3142(c)(3)] on:

Ethan Knight
Geoffrey Barrow
Craig Gabriel
Assistant United States Attorneys
1000 SW Third Ave, 6th Floor
Portland, OR 97204

by having deposited in the United States Mail at Portland, Oregon a full, true and correct copy in a sealed envelope with postage prepaid, addressed as shown above, the last known address for the addressees listed;

by having hand delivered to the attorneys shown above a full, true, and correct copy of the original.

by ✓ electronic filing.

/s James F. Halley

James F. Halley, OSB #91175

The foregoing is a true, correct and complete copy of the original.

James F. Halley, OSB #91175

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